

REMARKS

Reconsideration of the Final Office Action mailed April 24, 2006, (hereinafter "instant Office Action") and withdrawal of the rejection of claims 21-27, 32 and 33 are respectfully requested.

In the instant Office Action, claims 1-88 are listed as pending, claims 1-20, 28-31 and 34-88 are withdrawn from consideration and claims 21-27, 32 and 33 are listed as rejected.

Applicants thank the Examiner for her time and helpful suggestions offered during the interview conducted on August 29, 2006. Below is a brief summary of the interview, as requested by the Examiner.

Applicants' agent and the Examiner discussed in general terms the rejections of claims 21-27, 32 and 33 under 35 U.S.C. §112, first paragraph, for lack of enablement for the atomic coordinates of an unbound version of a Tie-2 polypeptide or atomic coordinates of the complete polypeptide of Tie-2 and Inhibitor III complex and the rejections of claims 21, 22 and 26 under 35 U.S.C. §103(a) as allegedly being unpatentable over Chen et al (P/N 6,160,092) in view of *In re Gulack* (703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983)) and the rejection of claims 21-27 under 35 U.S.C. §103(a) as allegedly being unpatentable over Chen et al (P/N 6,160,092) in view of *In re Gulack* (703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983)), *In re Best* (195 USPQ 430) and *In re Fitzgerald* (205 USPQ 594) and Ziegler (P/N 5,447,860) and claims 21-27 under 35 U.S.C. §103(a) as being unpatentable over Chen et al. (P/N 6,160,092) in view of Vikkula et al. (Cell, 1996, Volume 87, pages 1181-1190) and *In re Best* (195 USPQ 430) and *In re Fitzgerald* (205 USPQ 594). With respect to the 35 U.S.C. §112, first paragraph, rejection, the Examiner and Applicants' agent discussed whether limiting claim 21 to for the atomic coordinates for residues 802-1124 of Tie-2 would overcome the rejection. In discussing the 35 U.S.C. §103(a) rejection, the Examiner suggested that in general one possibility to overcome a 103(a) rejection is to add additional steps to the claims that are not taught or suggested in the references.

The Examiner has maintained the rejection of claims 21-27, 32 and 33 under 35 U.S.C. §112, first paragraph, alleging that the specification, while being enabling for the atomic coordinates for residues 802-1124 of Tie-2 and Inhibitor III complex, does not reasonably provide enablement for the atomic coordinates of an unbound version of a Tie-2 polypeptide or atomic coordinates of the complete polypeptide of Tie-2 and Inhibitor III complex. Without

interview summary
OK, CUS,
10/14/06